

## **ORDER NO. (R5-2020-0546)**

### **ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING**

Advantage Hospitality, LLC  
Settlement Offer No. R5-2020-0546  
WDID No. 5S34C377207

#### **SUMMARY OF VIOLATION**

Advantage Hospitality, LLC (Permittee) violated section XIV of the National Pollutant Discharge Elimination System (NPDES) Statewide General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ amended by 2010-0014-DWQ and 2012-0006-DWQ), NPDES Permit No. CAS000002 (General Permit) by failing to submit annual reports for the 2017/2018 and the 2018/2019 reporting years by September 1 of each reporting year. As required by California Water Code (Water Code) section 13399.31, the Central Valley Regional Water Quality Control Board (Regional Board) issued Notices of Non-Compliance (NNC) to the Permittee on 26 September 2018 and 09 November 2018 for reporting year 2017/2018 and on 26 September 2019 and 10 December 2019 for reporting year 2018/2019. Pursuant to Water Code section 13399.33(c)-(d), the Permittee is now subject to a minimum penalty of \$1,000 per reporting year plus staff costs for failing to submit the annual report.

#### **ACCEPTANCE AND WAIVER**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Regional Board, the Permittee hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Board to dispute the violations described in the NNCs which are attached and incorporated herein by reference.

The Permittee agrees that the Expedited Payment Program Offer shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Board to assert jurisdiction over the violation. The Permittee agrees to pay the administrative civil liability authorized by California Water Code section 13399.33, in the sum of \$2,500 (Expedited Payment Amount) which shall be deemed payment in full of any civil liability that otherwise might be assessed for the violations described in the NNCs.

The Permittee understands that this Acceptance and Waiver waives its right to contest the violation and the amount of administrative civil liability for the violation. The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the NNCs.

Upon execution by the Permittee, the completed Acceptance and Waiver shall be returned to:

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Central Valley Regional Water Quality Control Board  
Attention: Kari Holmes, Supervisor, Enforcement Section  
11020 Sun Center Drive, Ste 200  
Rancho Cordova, CA 95670

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Board to publish notice of and provide at least thirty (30) days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Regional Board Executive Officer, will be published as required by law for public comment.

If no comments are received within the notice period that causes the Regional Board to question the Expedited Payment Amount, the Expedited Payment Program Offer and Acceptance and Waiver will be presented to the Regional Board Executive Officer for approval.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the Conditional Offer may be withdrawn, or the Acceptance and Waiver may not be executed. In those circumstances, the Permittee will be advised of that withdrawal, and an administrative civil liability complaint may be issued, and the matter may be set for a hearing before the Regional Board. In the event that this matter proceeds to hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will not be used as evidence in that hearing.

The Permittee further understands that once this Acceptance and Waiver is executed by the Regional Board Executive Officer, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. In accordance with Water Code section 13399.37(a), funds collected for violations pursuant to Water Code section 13399.33(c)-(d) shall be deposited in the Waste Discharge Permit Fund. Accordingly, the \$2,500 liability including staff costs shall be paid by a check made out to the "State Water Resources Control Board" referencing this Order number for deposit into the Waste Discharge Permit Fund. The payment must be submitted to the State Water Resources Control Board no later than thirty (30) calendar days after the date the Acceptance and Waiver is executed by the Regional Board Executive Officer.

Please do not send a check for payment with this Acceptance and Waiver. If acceptable, the Executive Officer will counter-sign this Acceptance and Waiver and send a copy to the Discharger. Payment will then be due within 30 days of the date the Order is signed by the Executive Officer. Only at that time, please mail check to:

State Water Resources Control Board  
RE: Order No. R5-2020-0546, WDID No. 5S34C377207  
Division of Administrative Services, Accounting Branch  
1001 I Street, 18th Floor  
Sacramento, CA 95814

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I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Advantage Hospitality, LLC

By: Original Signed By  
(Signed Name)

09/24/2020  
(Date)

James Woo  
(Printed or Typed Name)

Managing Member  
(Title)

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IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13323 AND  
GOVERNMENT CODE SECTION 11415.60.

Date: 4/27/2021

By: Originally Signed By  
PATRICK PULUPA  
Executive Officer